

THIRD DAY.

(Tuesday, May 22, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Jennings.
Amsler.	Johnson.
Arnold.	Lackey.
Atkinson.	Laird.
Avis.	Lane.
Baker of Milam.	LeMaster.
Baker of Orange.	LeSturgeon.
Barker.	McBride.
Beasley.	McDaniel.
Bell.	McFarlane.
Bonham.	Martin.
Bryant.	Mathes.
Burmeister.	Maxwell.
Cable.	Melson.
Carpenter	Merritt.
of Dallas.	Miller.
Carpenter	Montgomery.
of Matagorda.	Moore.
Carson.	Morgan
Carter of Hays.	of Liberty.
Collins.	Pate.
Covey.	Patman.
Cowen.	Patterson.
Culp.	Perdue.
Davenport.	Pinkston.
Davis.	Pool.
DeBerry.	Pope.
Dinkle.	Price.
Dodd.	Purl.
Downs.	Quaid.
Driggers.	Quinn.
Duffey.	Rice.
Dunlap.	Rogers.
Dunn.	Russell
Durham.	of Callahan.
Edwards.	Russell of Trinity.
Faubion.	Sanford.
Fields.	Satterwhite.
Finlay.	Shearer.
Frnka.	Shires.
Fugler.	Simpson.
Gipson.	Smith.
Green.	Sparkman.
Greer.	Stell.
Hardin	Stevens.
of Kaufman.	Stewart
Harris.	of Edwards.
Henderson	Stewart
of Marion.	of Galveston.
Henderson	Stiernberg.
of McLennan.	Storey.
Hendricks.	Stroder.
Howeth.	Teer.
Hughes.	Thompson.
Hull.	Thrasher.
Irwin.	Turner.
Jacks.	Vaughan.

Wallace.
Wells.
Wessels.
Williamson.

Wilmans.
Wilson.
Winfree.
Young.

Absent.

Baldwin.	Looney.
Barrett.	McDonald.
Bird.	McKean.
Bobbitt.	McNatt.
Chitwood.	Morgan
Coffee.	of Robertson.
Crawford.	Potter.
Dielmann.	Robinson.
Hardin of Erath.	Rowland.
Harrington.	Stewart of Jasper.
Houston.	Stewart of Reeves.
Kemble.	Strickland.
Lewis.	Sweet.
Loftin.	Westbrook.

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	

A quorum was announced present.
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVE OF ABSENCE GRANTED.

The following member was granted leave of absence on account of sickness:

Mr. Jones for today, on motion of Mr. Quaid.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

By Mr. Culp:

H. B. No. 48, A bill to be entitled "An Act to amend Article 7355, Title 126, Revised Civil Statutes of Texas, 1911, by adding thereto Sections 41 and 42, relating to occupation taxes on manufacturers or distributors at wholesale of bottled beer, coca-cola, soda water or other bottled soft drinks; also on manufacturers or distributors at wholesale of such bottled beverages when the same contain 5 per cent or more of any substitute for sugar, such as saccharin or artificial sweeteners, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Davenport:

H. B. No. 49, A bill to be entitled

"An Act to levy on and collect from every licensed physician and surgeon or medical or other specialist of any kind practicing medicine within this State, and from every physician and surgeon or medical or other specialist of any kind who does not have and hold a license from the State Board of Medical Examiners granted after an examination by said board an annual occupation tax, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Fields and Mr. Baker of Milam:

H. B. No. 50, A bill to be entitled "An Act repealing the appropriation made in an act passed at the Regular Session of the Thirty-eighth Legislature, being Senate bill No. 103, establishing the Texas Technological College; repealing Section 8 of said act with all of the subdivisions of said Section 8, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Greer:

H. B. No. 51, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of two million dollars per year, or so much thereof as may be necessary, for the next two fiscal years ending August 31, 1924, and August 31, 1925, respectively; allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished and maintained; providing certain prerequisites for the granting of such aid, and providing that no school having over five hundred scholars shall receive such aid; giving preference to all school districts in which the available school fund, together with the local district tax, will not maintain the school six months in the year; limiting the amount which any school may receive; providing for aid for schools where extraordinary conditions prevent schools from meeting stated requirements; providing assistance for such rural schools as will afford instructions and demonstration in home and farm vocations according to plans approved by the State Department of Education;

providing assistance for small districts which effect consolidation during the next two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this act; repealing all laws and parts of laws in conflict herewith."

Referred to Committee on Appropriations.

By Mr. Fields:

H. B. No. 52, A bill to be entitled "An Act repealing the act passed by the Thirty-eighth Legislature at its Regular Session, approved January 31, 1923, the same being House bill No. 17, entitled 'An Act requiring the Board of Water Engineers and the State Reclamation Engineer, in conformity to the statutes determining their powers and duties, to make and cause to be made and report to the Governor an adequate topographic and hydrographic survey of the stream watersheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable; advancing all such work as found feasible in accordance with the relative importance to the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this act, and declaring an emergency.'"

Referred to Committee on Appropriations.

By Mr. Lackey:

H. B. No. 53, A bill to be entitled "An Act to preserve, propagate, distribute and protect the wild game animals, wild game birds and fowls, and wild birds of this State; defining offenses and providing penalties for violation of same; providing for the issuance of hunting licenses; providing for the appointment of deputy Game, Fish and Oyster Commissioners and prescribing their duties and compensation; making provisions for the creation of a special game fund and appropriating the same for the purpose of carrying out the provisions of this act; repealing certain laws, and all laws, special and general, in conflict herewith, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Green:

H. B. No. 54, A bill to be entitled "An Act repealing Section 1 of Senate bill No. 79, passed by the Second Called Session of the Thirty-eighth Legislature, making an appropriation to be used for the erection of a monument in the city of Houston to the memory of General Sam Houston, and declaring an emergency."

Referred to Committee on Appropriations.

By Mrs. Wilmans:

H. B. No. 55, A bill to be entitled "An Act levying an occupation tax on all lawyers in the State of Texas filing petitions for divorce in the district courts of the State, and declaring an emergency, and repealing all laws in conflict herewith."

Referred to Committee on Revenue and Taxation.

By Mr. Durham, Mr. Maxwell, Mr. Price, Mr. Sparkman and Mr. Stroder:

H. B. No. 56, A bill to be entitled "An Act to amend Article 7407, of Chapter 4, Title 126, of the Revised Civil Statutes of Texas of 1911, relating to the creation of a State Tax Board; fixing the annual salary of the State Tax Commissioner; making an appropriation for the purpose of this act, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

MOTION TO PRINT HOUSE BILL NO. 29.

Mr. Davenport moved that House bill No. 29, reported adversely with a minority favorable report, be printed.

Mr. Melson raised a point of order on consideration of the motion to print on the ground that the subject matter of the bill has not been submitted by the Governor.

Mr. Simpson moved the previous question on the point of order and the motion to print, and the main question was ordered.

The Speaker declined to rule on the point of order, saying that he would submit the matter to the House for its decision.

Question—Shall the point of order be sustained?

The Clerk was directed to call the roll and the House sustained the point of order by the following vote:

Yeas—58.

Abney.	Lackey.
Avis.	Lane.
Baker of Milam.	McBride.
Beasley.	McKean.
Bell.	Mathes.
Bonham.	Maxwell.
Cable.	Melson.
Carpenter	Merritt.
of Dallas.	Miller.
Carpenter	Montgomery.
of Matagorda.	Moore.
Carter of Hays.	Pate.
Covey.	Patterson.
Cowen.	Perdue.
Culp.	Pinkston.
DeBerry.	Pool.
Dinkle.	Price.
Dodd.	Quaid.
Durham.	Satterwhite.
Finlay.	Shearer.
Fugler.	Shires.
Gipson.	Simpson.
Green.	Smith.
Greer.	Stewart
Hardin	of Galveston.
of Kaufman	Stroder.
Hendricks.	Teer.
Hughes.	Thrasher.
Hull.	Wallace.
Irwin.	Williamson.
Jennings.	Wilson.

Nays—46.

Amsler.	McFarlane.
Atkinson.	Martin.
Baker of Orange.	Morgan
Barker.	of Liberty.
Bryant.	Pope.
Burmeister.	Quinn.
Carson.	Rice.
Collins.	Rogers.
Davenport.	Russell
Davis.	of Callahan.
Downs.	Russell of Trinity.
Driggers.	Sanford.
Duffey.	Sparkman.
Dunlap.	Stell.
Dunn.	Stevens.
Fields.	Stewart
Harris.	of Edwards.
Henderson	Storey.
of Marion.	Thompson.
Henderson	Turner.
of McLennan.	Vaughan.
Howeth.	Wells.
Johnson.	Wessels.
Laird.	Wilms.
LeSturgeon.	Young.
McDaniel.	

Absent.

Arnold.	Bobbitt.
Baldwin.	Chitwood.
Barrett.	Coffee.
Bird.	Crawford.

Dielmann.	Morgan
Edwards.	of Robertson.
Faubion.	Patmar.
Frnka.	Potter.
Hardin of Erath.	Purl.
Harrington.	Robinson.
Houston.	Rowland.
Jacks.	Stewart of Jasper.
Kemble.	Stewart of Reeves.
LeMaster.	Stiernberg.
Lewis.	Strickland.
Loftin.	Sweet.
Looney.	Westbrook.
McDonald.	Winfree.
McNatt.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	

The Speaker then stated that he would follow the instruction of the House and sustain the point of order.

Mr. Davenport then appealed from the ruling of the Chair.

Mr. Satterwhite was called to the chair pending the appeal.

Question—Shall the ruling of the Chair be sustained?

The Clerk was directed to call the roll and the ruling of the Chair was sustained by the following vote:

Yeas—80.

Abney.	Green.
Amsler.	Greer.
Arnold.	Hardin
Atkinson.	of Kaufman.
Avis.	Henderson
Barker.	of Marion.
Beasley.	Hendricks.
Bell.	Hughes.
Bonham.	Hull.
Cable.	Irwin.
Carpenter	Jennings.
of Dallas.	Lackey.
Carpenter	Laird.
of Matagorda.	Lane.
Carter of Hays.	LeMaster.
Covey.	McBride.
Cowen.	Mathes.
Culp.	Maxwell.
Davis.	Melson.
DeBerry.	Merritt.
Dinkle.	Miller.
Dodd.	Moore.
Driggers.	Morgan
Dunlap.	of Liberty.
Dunn.	Pate.
Durham.	Patman.
Faubion.	Patterson.
Finlay.	Perdue.
Fugler.	Pinkston.
Gipson.	Pool.

Pope.	Stewart
Price.	of Galveston.
Purl.	Storey.
Quaid.	Stroder.
Rogers.	Teer.
Russell	Thrasher.
of Callahan.	Turner.
Russell of Trinity.	Vaughan.
Satterwhite.	Wallace.
Shearer.	Wells.
Shires.	Wilson.
Simpson.	Winfree.
Smith.	Young.
Sparkman.	

Nays—17.

Bryant.	McDaniel.
Burmeister.	McFarlane.
Carson.	Martin.
Collins.	Quinn.
Davenport.	Stell.
Downs.	Thompson.
Duffey.	Wessels.
Howeth.	Wilman.
LeSturgeon.	

Present—Not Voting.

Fields.	Stevens.
Harris.	Stewart
Rice.	of Edwards.

Absent.

Baker of Milam.	Lewis.
Baker of Orange.	Loftin.
Baldwin.	Looney.
Barrett.	McDonald.
Bird.	McKean.
Bobbitt.	McNatt.
Chitwood.	Montgomery.
Coffee.	Morgan
Crawford.	of Robertson.
Dielmann.	Potter.
Edwards.	Robinson.
Frnka.	Rowland.
Hardin of Erath.	Sanford.
Harrington.	Stewart of Jasper.
Henderson	Stewart of Reeves.
of McLennan.	Stiernberg.
Houston.	Strickland.
Jacks.	Sweet.
Johnson.	Westbrook.
Kemble.	Williamson.

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	

(Speaker in the chair.)

ADDRESS BY HON. B. A. CARTER.

Mr. Moore moved that Hon. B. A. Carter of Rains county be invited to address the House.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following committee to escort Mr. Carter to the Speaker's stand:

Messrs. Dinkle, Moore and Dunn.

The committee having performed their duty, Speaker Seagler presented Mr. Dinkle, who in turn introduced Hon. B. A. Carter.

Hon. B. A. Carter then addressed the House.

SENATE BILL NO. 1 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 1, A bill to be entitled "An Act making an appropriation to pay the contingent expenses of the Third Called Session of the Thirty-eighth Legislature and to supplement the appropriation to pay the contingent expenses of the Second Called Session of the Thirty-eighth Legislature, said Third Called Session being convened May 16, 1923, by proclamation of the Governor, and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—100.

Mr. Speaker.	Faubion.
Abney.	Fields.
Amsler.	Finlay.
Arnold.	Fugler.
Avis.	Gipson.
Baker of Milam.	Green.
Barker.	Greer.
Beasley.	Hardin
Bell.	of Kaufman.
Bonham.	Harris.
Bryant.	Henderson
Burmeister.	of Marion.
Cable.	Henderson
Carpenter	of McLennan.
of Dallas.	Hendricks.
Carpenter	Howeth.
of Matagorda.	Hughes.
Carson.	Hull.
Carter of Hays.	Irwin.
Covey.	Jennings.
Cowen.	Lackey.
Culp.	Laird.
Davenport.	Lane.
Davis.	LeMaster.
DeBerry.	LeSturgeon.
Dinkle.	McBride.
Dodd.	McDaniel.
Downs.	McDonald.
Driggers.	McFarlane.
Duffey.	McKean.
Dunlap.	Martin.
Dunn.	Mathes.
Durham.	Maxwell.

Melson.	Satterwhite.
Merritt.	Shearer.
Miller.	Shires.
Moore.	Simpson.
Morgan	Sparkman.
of Liberty.	Stevens.
Pate.	Stewart
Patman.	of Edwards.
Patterson.	Stewart
Perdue.	of Galveston.
Pinkston.	Storey.
Pool.	Stroder.
Pope.	Teer.
Price.	Thompson.
Purl.	Thrasher.
Quaid.	Turner.
Quinn.	Vaughar.
Rice.	Wells.
Rogers.	Wilmans.
Russell	Wilson.
of Callahar.	Winfree.
Russell of Tririty.	Young.

Nays—1.

Wessels.

Present—Not Voting.

Stell.

Absent.

Atkinson.	Loftin.
Baker of Orange.	Looney.
Baldwin.	McNatt.
Barrett.	Montgomery.
Bird.	Morgan
Bobbitt.	of Robertson.
Chitwood.	Potter.
Coffee.	Robinson.
Collins.	Rowland.
Crawford.	Sanford.
Dielmann.	Smith.
Edwards.	Stewart of Jasper.
Frnka.	Stewart of Reeves.
Hardin of Erath.	Stiernberg.
Harrington.	Strickland.
Houston.	Sweet.
Jacks.	Wallace.
Johnson.	Westbrook.
Kemble.	Williamson.
Lewis.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	

SENATE BILL NO. 2 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 2, A bill to be entitled "An Act making an appropriation to pay the per diem pay of members and the per diem pay of officers and employees of the Third Called Session of the Thirty-eighth Legislature of the State of

Texas, convened May 16, 1923, by proclamation of the Governor, and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—101.

Mr. Speaker.	LeMaster.
Abney.	LeSturgeon.
Amsler.	McBride.
Arnold.	McDaniel.
Avis.	McFarlane.
Baker of Milam.	McKean.
Barker.	Martin.
Beasley.	Mathes.
Bell.	Maxwell.
Bonham.	Merritt.
Bryant.	Miller.
Burmeister.	Moore.
Cable.	Morgan
Carpenter	of Liberty.
of Dallas.	Pate.
Carpenter	Patman.
of Matagorda.	Patterson.
Carson.	Perdue.
Carter of Hays.	Pinkston.
Covey.	Pool.
Cowen.	Pope.
Culp.	Price.
Davenport.	Purl.
Davis.	Quaid.
DeBerry.	Quinn.
Dinkle.	Rice.
Dodd.	Rogers.
Downs.	Russell
Driggers.	of Callahan.
Duffey.	Russell of Trinity.
Dunlap.	Satterwhite.
Dunn.	Shearer.
Durham.	Shires.
Faubion.	Simpson.
Fields.	Sparkman.
Finlay.	Stell.
Fugler.	Stevens.
Gipson.	Stewart
Greer.	of Edwards.
Hardin	Stewart
of Kaufman.	of Galveston.
Harris.	Storey.
Henderson	Stroder.
of Marion.	Teer.
Henderson	Thompson.
of McLennan.	Thrasher.
Hendricks.	Turner.
Howeth.	Vaughan.
Hughes.	Wells.
Hull.	Wessels.
Irwin.	Williamson.
Jennings.	Wilmans.
Lackey.	Wilson.
Laird.	Winfree.
Lane.	Young.

Absent.

Atkinson.	Baldwin.
Baker of Orange.	Barrett.

Bird.	McDonald.
Bobbitt.	McNatt.
Chitwood.	Melson.
Coffee.	Montgomery.
Collins.	Morgan
Crawford.	of Robertson.
Dielmann.	Potter.
Edwards.	Robinson.
Frnka.	Rowland.
Green.	Sanford.
Hardin of Erath.	Smith.
Harrington.	Stewart of Jasper.
Houston.	Stewart of Reeves.
Jacks.	Stiernberg.
Johnson.	Strickland.
Kemble.	Sweet.
Lewis.	Wallace.
Loftin.	Westbrook.
Looney.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	

HOUSE BILL NO. 18 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 18, A bill to be entitled "An Act to amend Article 7382, Chapter 2, Title 126, of the Revised Civil Statutes of the State of Texas, providing for a graduated increase of gross receipts on telephone companies and providing for reports to be made as now provided by law and records preserved, and declaring an emergency."

The bill was read third time.

Question recurring on the passage of the bill, yeas and nays were demanded.

The roll was called on the final passage of the bill and developed the fact that there was not a quorum present, and it was so announced.

Mr. Davenport moved a call of the house for the purpose of securing a quorum, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was again called and the Speaker announced that there was a quorum present.

On motion of Mr. Culp, further consideration of House bill No. 18 was postponed until 10 o'clock a. m. next Wednesday.

EMPLOYEE OF THE HOUSE.

The Speaker announced the appointment of the following employee of the House:

Page—Paul Barnhart.

RECESS.

On motion of Mr. Simpson, the House, at 12 o'clock m., took recess to 2:30 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2:30 o'clock p. m. and was called to order by the Speaker.

HOUSE BILL NO. 15 ON PASSAGE TO ENGROSSMENT.

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 15, A bill to be entitled "An Act providing for the collection of registration fees upon all instruments evidencing the organization of concerns other than private corporations, designed to conduct any business, or acquire, or hold, any property without full individual liability upon the part of all members and holders of interests therein, and for the collection of annual excise taxes from all such concerns, and declaring an emergency."

The bill having heretofore been read second time.

On motion of Mr. LeMaster, the bill was laid on the table subject to call.

HOUSE BILL NO. 26 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 26, A bill to be entitled "An Act amending Article 7355 of the Revised Civil Statutes of the State of Texas, 1911, by adding thereto after Section 13 a new section to be known as Section 13a, imposing an occupation tax upon regularly established and recognized opera houses, theaters, air-domes and places where moving picture exhibitions are given for private profit, the amount of tax to be determined according to the number of inhabitants of cities and towns in the State of Texas; providing that counties, cities and towns shall each have power and authority to collect a tax

equal to one-half the amount of the State tax, and declaring an emergency."

The bill was read second time.

Mr. Green moved that further consideration of the bill be postponed until 2 o'clock p. m. next Monday.

Mr. Patman moved to table the motion to postpone.

Mr. Fugler moved a call of the House pending consideration of House bill No. 26, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was called and a quorum was announced present.

Question recurring on the motion by Mr. Patman to table the motion to postpone, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—36.

Amsler.	Laird.
Beasley.	Lane.
Bonham.	LeMaster.
Bryant.	McBride.
Cable.	McDaniel.
Carter of Hays.	Merritt.
Davis.	Pate.
DeBerry.	Patman.
Dinkle.	Perdue.
Dodd.	Price.
Downs.	Russell of Trinity.
Driggers.	Sanford.
Duffey.	Satterwhite.
Dunlap.	Simpson.
Durham.	Stevens.
Edwards.	Stroder.
Howeth.	Thompson.
Jennings.	Wilmons.

Nays—64.

Abney.	Faubion.
Arnold.	Finlay.
Avis.	Frnka.
Baker of Milam.	Fugler.
Baker of Orange.	Gipson.
Barker.	Green.
Bell.	Greer.
Burmeister.	Hardin
Carpenter	of Kaufman.
of Dallas.	Henderson
Carpenter	of Marion.
of Matagorda.	Henderson
Carson.	of McLennan.
Collins.	Hendricks.
Covey.	Hughes.
Dunn.	Hull.

Irwin.	Russell
Jacks.	of Callahan.
Lackey.	Shearer.
McFarlane.	Shires.
McKean.	Smith.
Martin.	Sparkman.
Maxwell.	Stewart
Melson.	of Edwards.
Miller.	Stewart
Montgomery.	of Galveston.
Moore.	Stiernberg.
Morgan	Storey.
of Liberty.	Teer.
Pool.	Turner.
Pope.	Wallace.
Purl.	Wessels.
Quaid.	Williamson.
Quinn.	Wilson.
Robinson.	Winfree.
Rogers.	Young.

Present—Not Voting.

Mr. Speaker.

Absent.

Atkinson.	Looney.
Baldwin.	McDonald.
Barrett.	McNatt.
Bird.	Mathes.
Bobbitt.	Morgan
Chitwood.	of Robertson.
Coffee.	Patterson.
Cowen.	Pinkston.
Crawford.	Potter.
Culp.	Rice.
Davenport.	Rowland.
Dielmann.	Stell.
Fields.	Stewart of Jasper.
Hardin of Erath.	Stewart of Reeves.
Harrington.	Strickland.
Houston.	Sweet.
Johnson.	Thrasher.
Kemble.	Vaughan.
LeStourgeon.	Wells.
Lewis.	Westbrook.
Loftin.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	

Mr. Harris moved that further consideration of the bill be postponed indefinitely.

Mr. Patman moved that further consideration of the bill be postponed until 10 o'clock a. m. tomorrow.

Mr. Carpenter of Dallas moved to table the motion to postpone until 10 o'clock a. m. tomorrow.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—57.

Abney.	McBride.
Amsler.	McFarlane.
Arnold.	McKean.
Avis.	Maxwell.
Barker.	Miller.
Beasley.	Montgomery.
Bell.	Moore.
Burmeister.	Morgan
Carpenter	of Liberty.
of Dallas.	Pate.
Carson.	Patterson.
Collins.	Pool.
Covey.	Pope.
Cowen.	Price.
Finlay.	Purl.
Fugler.	Quaid.
Gipson.	Quinn.
Green.	Robinson.
Greer.	Rogers.
Hardin	Russell
of Kaufman.	of Callahan.
Harris.	Shires.
Henderson	Smith.
of Marion.	Sparkman.
Hughes.	Stewart
Hull.	of Galveston.
Irwin.	Storey.
Jacks.	Turner.
Jennings.	Williamson.
Kemble.	Wilsor.
Lackey.	Winfree.
LeMaster.	

Nays—43.

Baker of Orange.	Laird.
Bonham.	Lane.
Bryant.	McDaniel.
Cable.	Melson.
Carpenter	Merritt.
of Matagorda.	Patman.
Carter of Hays.	Perdue.
Davis.	Russell of Trinity.
DeBerry.	Sanford.
Dinkle.	Satterwhite.
Dodd.	Shearer.
Downs.	Stevens.
Driggers.	Stewart
Duffey.	of Edwards.
Dunlap.	Stiernberg.
Durham.	Stroder.
Faubion.	Teer.
Fields.	Thompson.
Frnka.	Thrasher.
Henderson	Wallace.
of McLennan.	Wells.
Hendricks.	Wessels.
Howeth.	Young.

Present—Not Voting.

Mr. Speaker.

Absent.

Atkinson.	Barrett.
Baker of Milam.	Bird.
Baldwin.	Bobbitt.

Chitwood.	Martin.
Coffee.	Mathes.
Crawford.	Morgan
Culp.	of Robertson.
Davenport.	Pinkston.
Dielmann.	Potter.
Dunn.	Rice.
Edwards.	Rowland.
Hardin of Erath.	Simpson.
Harrington.	Stell.
Houston.	Stewart of Jasper.
Johnson.	Stewart of Reeves.
LeSturgeon.	Strickland.
Lewis.	Sweet.
Loftin.	Vaughan.
Looney.	Westbrook.
McDonald.	Wilmons.
McNatt.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	

Question recurring on the motion to postpone until 2 o'clock p. m. next Monday, yeas and nays were demanded.

The motion to postpone was lost by the following vote:

Yeas—17.

Atkinson.	Maxwell.
Bell.	Melson.
Carson.	Perdue.
Carter of Hays.	Robinson.
DeBerry.	Simpson.
Frnka.	Stewart
Green.	of Edwards.
McBride.	Wallace.
Martin.	Young.

Nays—83.

Abney.	Duffey.
Amsler.	Dunlap.
Arnold.	Dunn.
Avis.	Faubion.
Baker of Orange.	Fields.
Barker.	Finlay.
Beasley.	Fugler.
Bonham.	Gipson.
Bryant.	Greer.
Burmeister.	Harris.
Cable.	Henderson
Carpenter	of Marion.
of Dallas.	Henderson
Carpenter	of McLennan.
of Matagorda.	Hendricks.
Collins.	Hughes.
Covey.	Hull.
Cowen.	Irwin.
Davis.	Jacks.
Dinkle.	Jennings.
Dodd.	Kemble.
Downs.	Lackey.
Driggers.	Laird.

Lane.	Russell of Trinity.
LeMaster.	Sanford.
McDaniel.	Satterwhite.
McFarlane.	Shearer.
McKean.	Shires.
Merritt.	Smith.
Miller.	Sparkman.
Montgomery.	Stevens.
Moore.	Stewart
Morgan	of Galveston.
of Liberty.	Stiernberg.
Pate.	Storey.
Patman.	Stroder.
Patterson.	Teer.
Pool.	Thompson.
Pope.	Thrasher.
Price.	Turner.
Purl.	Wells.
Quaid.	Wessels.
Quinn.	Williamson.
Rogers.	Wilson.
Russell	Winfree.
of Callahan.	

Present—Not Voting.

Mr. Speaker.

Absent.

Baker of Milam.	Lewis.
Baldwin.	Loftin.
Barrett.	Looney.
Bird.	McDonald.
Bobbitt.	McNatt.
Chitwood.	Mathes.
Coffee.	Morgan
Crawford.	of Robertson.
Culp.	Pinkston.
Davenport.	Potter.
Dielmann.	Rice.
Durham.	Rowland.
Edwards.	Stell.
Hardin of Erath.	Stewart of Jasper.
Hardin	Stewart of Reeves.
of Kaufman.	Strickland.
Harrington.	Sweet.
Houston.	Vaughan.
Howeth.	Westbrook.
Johnson.	Wilmons.
LeSturgeon.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	

Question recurring on the motion to postpone further consideration of the bill indefinitely, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—60.

Abney.	Avis.
Amsler.	Barker.
Arnold.	Beasley.

Bell.	Maxwell.
Burmeister.	Merritt.
Carpenter	Miller.
of Dallas.	Moore.
Carson.	Morgan
Collins.	of Liberty.
Cowen.	Pate.
Driggers.	Pool.
Faubion.	Pope.
Finlay.	Potter.
Frnka.	Purl.
Fugler.	Quaid.
Gipson.	Quinn.
Green.	Robinson.
Greer.	Rogers.
Hardin	Russell
of Kaufman.	of Callahan.
Harris.	Shearer.
Henderson	Shires.
of McLennan.	Smith.
Hendricks.	Sparkman.
Hughes.	Stevens.
Hull.	Stewart
Irwin.	of Galveston.
Jacks.	Storey.
Jennings.	Turner.
Kemble.	Wessels.
Lackey.	Williamson.
McFarlane.	Wilson.
McKean.	Winfree.
Martin.	

Nays—44.

Atkinson.	LeMaster.
Baker of Orange.	McDaniel.
Bonham.	Melsor.
Bryant.	Montgomery.
Cable.	Patman.
Carpenter	Patterson.
of Matagorda.	Perdue.
Carter of Hays.	Price.
Covey.	Russell of Trinity.
Davis.	Sanford.
DeBerry.	Satterwhite.
Dinkle.	Simpson.
Dodd.	Stewart
Downs.	of Edwards.
Duffey.	Stiernberg.
Dunlap.	Stroder.
Durham.	Teer.
Edwards.	Thompson.
Fields.	Thrasher.
Henderson	Vaughan.
of Marion.	Wallace.
Howeth.	Wells.
Laird.	Young.
Lane.	

Absent.

Baker of Milam.	Culp.
Baldwin.	Davenport.
Barrett.	Dielmann.
Bird.	Dunn.
Bobbitt.	Hardin of Erath.
Chitwood.	Harrington.
Coffee.	Houston.
Crawford.	Johnson.

LeStourgeon.	Pinkston.
Lewis.	Rice.
Loftin.	Rowland.
Looney.	Stell.
McBride.	Stewart of Jasper.
McDonald.	Stewart of Reeves.
McNatt.	Strickland.
Mathes.	Sweet.
Morgan	Westbrook.
of Robertson.	Wilmans.

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	

Mr. Quaid moved to reconsider the vote by which the bill was postponed indefinitely and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—58.

Abney.	LeMaster.
Amsler.	McFarlane.
Arnold.	McKean.
Avis.	Martin.
Barker.	Maxwell.
Beasley.	Miller.
Bell.	Moore.
Burmeister.	Pate.
Carpenter	Pool.
of Dallas.	Pope.
Collins.	Purl.
Cowen.	Quaid.
DeBerry.	Quinn.
Faubion.	Robinson.
Finlay.	Rogers.
Frnka.	Russell
Fugler.	of Callahan.
Gipson.	Russell of Trinity.
Green.	Shearer.
Greer.	Shires.
Hardin	Smith.
of Kaufman.	Stevens.
Harris.	Stewart
Henderson	of Galveston.
of McLennan.	Storey.
Hughes.	Turner.
Hull.	Vaughan.
Irwin.	Wessels.
Jacks.	Williamson.
Jennings.	Wilson.
Kemble.	Winfree.
Lackey.	

Nays—43.

Atkinson.	Cable.
Baker of Milam.	Carpenter
Baker of Orange.	of Matagorda.
Bonham.	Carson.
Bryant.	Carter of Hays.

Covey.	Patman.
Davis.	Patterson.
Dinkle.	Perdue.
Dodd.	Price.
Downs.	Sanford.
Driggers.	Satterwhite.
Duffey.	Simpson.
Durham.	Stewart
Edwards.	of Edwards.
Fields.	Stiernberg.
Henderson	Stroder.
of Marion.	Teer.
Howeth.	Thompson.
Laird.	Thrasher.
Lane.	Wallace.
McDaniel.	Wells.
Melson.	Wilmons.
Merritt.	Young.

Present—Not Voting.

Mr. Speaker.

Absent.

Baldwin.	McBride.
Barrett.	McDonald.
Bird.	McNatt.
Bobbitt.	Mathes.
Chitwood.	Montgomery.
Coffee.	Morgan
Crawford.	of Liberty.
Culp.	Morgan
Davenport.	of Robertson.
Dielmann.	Pinkston.
Dunlap.	Potter.
Dunn.	Rice.
Hardin of Erath.	Rowland.
Harrington.	Sparkman.
Hendricks.	Stell.
Houston.	Stewart of Jasper.
Johnson.	Stewart of Reeves.
LeStourgeon.	Strickland.
Lewis.	Sweet.
Loftin.	Westbrook.
Looney.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	

HOUSE BILL NO. 34 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 34, A bill to be entitled "An Act to repeal that portion of the appropriation designated as Vital Statistics, Bureau of Laboratories and Bureau of Communicable Diseases of the appropriation for the Health Department of Texas as provided for in House bill No. 203 passed at the Second Called Session of the Thirty-eighth Legislature,

and to provide revenue for the maintenance by providing a fee to be charged up as other cost in divorces and an additional fee for marriage licenses, and appropriating the revenues therefrom for the support and maintenance of the State Health Department of Texas, and to provide for keeping records of marriages and divorces, and providing a penalty for the failure of the county and district clerks to report marriages and divorces to the Health Department of Texas, and declaring an emergency."

The bill was read second time.

Mr. Simpson moved that further consideration of the bill be postponed until 2 o'clock p. m. next Thursday.

Mr. Burmeister raised a point of order on consideration of the bill on the ground that the subject matter contained in the bill has not been submitted by the Governor.

The Speaker overruled the point of order.

Question recurring on the motion to postpone, it prevailed.

HOUSE BILL NO. 9 ON ENGROSSMENT.

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 9, A bill to be entitled "An Act levying and providing for the payment of a State occupation tax on the mining or production of sulphur by any method, system or manner, within this State; requiring reports to be made and records to be kept by those engaged in the business, and providing for the inspection thereof by certain public officials, their employes or representatives; prescribing penalties for the failure to comply with provisions of this act; providing for the payment of interest, penalties and costs by certain officials; fixing the venue therefor and the compensation of officials for said services; repealing House bill No. 328 passed at the Regular Session of the Thirty-eighth Legislature, levying an occupation tax on the production of sulphur, and declaring an emergency."

The bill having heretofore been read second time, with amendments by Mr. Culp pending.

Mr. Quinn moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 9, and the call was not seconded.

On motion of Mr. Quinn, the pending amendments were tabled.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 9 by striking out lines 6 to 14, page 3, and amend the caption accordingly.

Mr. Quinn moved to table the amendment.

Mr. Quinn moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 9, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Quinn, the Sergeant-at-Arms was instructed to bring in all absentees within the city.

The roll was called and a quorum was announced present.

Question recurring on the motion to table the amendment by Mr. Pope, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—8.

Edwards.	Pate.
Hardin	Quinn.
of Kaufman.	Shires.
Hendricks.	Stroder.
Mathes.	

Nays—92.

Abney.	Dunlap.
Amsler.	Dunn.
Arnold.	Durham.
Atkinson.	Faubion.
Avis.	Fields.
Baker of Orange.	Finlay.
Barker.	Fugler.
Beasley.	Gipson.
Bell.	Green.
Bonham.	Greer.
Bryant.	Harris.
Burmeister.	Henderson
Cable.	of Marion.
Carpenter	Henderson
of Matagorda.	of McLennan.
Carson.	Howeth.
Carter of Hays.	Hughes.
Collins.	Hull.
Covey.	Irwin.
Cowen.	Jacks.
Davis.	Jennings.
DeBerry.	Lackey.
Dinkle.	Laird.
Dodd.	Lane.
Downs.	LeMaster.
Driggers.	McDaniel.
Duffey.	McKean.

Martin.	Satterwhite.
Maxwell.	Shearer.
Melson.	Smith.
Merritt.	Sparkman.
Miller.	Stevens.
Montgomery.	Stewart
Moore.	of Edwards.
Morgan	Stewart
of Liberty.	of Galveston.
Patman.	Storey.
Patterson.	Teer.
Perdue.	Thompson.
Pool.	Thrasher.
Pope.	Turner.
Purl.	Vaughan.
Quaid.	Wallace.
Rice.	Wells.
Robinson.	Wessels.
Rogers.	Williamson.
Russell	Wilmans.
of Callahan.	Wilson.
Russell of Trinity.	Winfree.
Sanford.	Young.

Present—Not Voting.

Mr. Speaker.

Absent.

Baker of Milam.	Lewis.
Baldwin.	Loftin.
Barrett.	Looney.
Bird.	McBride.
Bobbitt.	McDonald.
Carpenter	McFarlane.
of Dallas.	McNatt.
Carter of Coke.	Morgan
Chitwood.	of Robertson.
Coffee.	Pinkston.
Crawford.	Potter.
Culp.	Price.
Davenport.	Rowland.
Dielmann.	Simpson.
Frnka.	Stell.
Hardin of Erath.	Stewart of Jasper.
Harrington.	Stewart of Reeves.
Houston.	Stiernberg.
Johnson.	Strickland.
Kemble.	Sweet.
LeSturgeon.	Westbrook.

Absent—Excused.

Blount.	Lusk.
Jones.	Merriman.
Lamb.	Sackett.

Question then recurring on the amendment, it was adopted.

House bill No. 9 was then passed to engrossment.

HOUSE BILL NO. 9 ON THIRD
READING.

Mr. Quinn moved that the constitutional rule requiring bills to be read on three several days be suspended and that

House bill No. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100.

Mr. Speaker.	Lane.
Abney.	McDaniel.
Amsler.	McKean.
Arnold.	Martin.
Atkinson.	Mathes.
Avis.	Maxwell.
Baker of Orange.	Melson.
Barker.	Merritt.
Beasley.	Miller.
Bell.	Montgomery.
Bonham.	Moore.
Bryant.	Morgan
Burmeister.	of Liberty.
Cable.	Pate.
Carpenter	Patman.
of Matagorda.	Patterson.
Carson.	Perdue.
Carter of Hays.	Pool.
Collins.	Pope.
Covey.	Purl.
Cowen.	Quaid.
Davenport.	Quinn.
Davis.	Rice.
DeBerry.	Robinson.
Dinkle.	Rogers.
Dodd.	Russell
Downs.	of Callahan.
Driggers.	Russell of Trinity.
Duffey.	Sanford.
Dunlap.	Satterwhite.
Dunn.	Shearer.
Durham.	Shires.
Edwards.	Smith.
Faubion.	Sparkman.
Fields.	Stevens.
Finlay.	Stewart
Fugler.	of Edwards.
Gipson.	Stewart
Green.	of Galveston.
Greer.	Storey.
Harris.	Stroder.
Henderson	Teer.
of Marion.	Thompson.
Henderson	Thrasher.
of McLennan.	Turner.
Hendricks.	Vaughan.
Howeth.	Wallace.
Hughes.	Wells.
Hull.	Wessels.
Irwin.	Williamson.
Jacks.	Wilmons.
Jennings.	Wilson.
Lackey.	Winfrey.
Laird.	Young.

Nays—2.

Hardin	LeMaster.
of Kaufman.	

Absent.

Baker of Milam.	Baldwin.
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Barrett.	Looney.
Bird.	McBride.
Bobbitt.	McDonald.
Carpenter	McFarlane.
of Dallas.	McNatt.
Chitwood.	Morgan
Coffee.	of Robertson.
Crawford.	Pinkston.
Culp.	Potter.
Dielmann.	Price.
Frnka.	Rowland.
Hardin of Erath.	Simpson.
Harrington.	Stell.
Houston.	Stewart of Jasper.
Johnson.	Stewart of Reeves.
Kemble.	Stiernberg.
LeStourgeon.	Strickland.
Lewis.	Sweet.
Loftin.	Westbrook.

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	

The Speaker then laid House bill No. 9 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—100.

Mr. Speaker.	Durham.
Abney.	Edwards.
Amsler.	Faubion.
Arnold.	Fields.
Atkinson.	Finlay.
Avis.	Fugler.
Baker of Orange.	Gipson.
Barker.	Green.
Beasley.	Greer.
Bell.	Harris.
Bonham.	Henderson
Bryant.	of Marion.
Burmeister.	Henderson
Cable.	of McLennan.
Carpenter	Hendricks.
of Dallas.	Howeth.
Carpenter	Hughes.
of Matagorda.	Hull.
Carson.	Irwin.
Carter of Hays.	Jacks.
Collins.	Jennings.
Covey.	Lackey.
Cowen.	Laird.
Davenport.	Lane.
Davis.	LeMaster.
DeBerry.	McDaniel.
Dinkle.	McKean.
Dodd.	Martin.
Downs.	Mathes.
Driggers.	Maxwell.
Duffey.	Melson.
Dunlap.	Merritt.
Dunn.	Miller.

Montgomery.	Sparkman.
Moore.	Stevens.
Pate.	Stewart
Patman.	of Edwards.
Perdue.	Stewart
Pool.	of Galveston.
Pope.	Stiernberg.
Purl.	Storey.
Quaid.	Stroder.
Quinn.	Teer.
Rice.	Thompson.
Robinson.	Thrasher.
Rogers.	Turner.
Russell	Vaughan.
of Callahan.	Wallace.
Russell of Trinity.	Wells.
Sanford.	Williamson.
Satterwhite.	Wilmans.
Shearer.	Wilson.
Shires.	Winfree.
Smith.	Young.

Nays—4.

Hardin	Patterson.
of Kaufman.	Wessels.
Morgan	
of Liberty.	

Absent.

Baker of Milam.	Looney.
Baldwin.	McBride.
Barrett.	McDonald.
Bird.	McFarlane.
Bobbitt.	McNatt.
Chitwood.	Morgan
Coffee.	of Robertson.
Crawford.	Pinkston.
Culp.	Potter.
Dielmann.	Price.
Frnka.	Rowland.
Hardin of Erath.	Simpson.
Harrington.	Stell.
Houston.	Stewart of Jasper.
Johnson.	Stewart of Reeves.
Kemble.	Strickland.
LeStourgeon.	Sweet.
Lewis.	Westbrook.
Loftin.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	

EMPLOYEE OF THE HOUSE.

The Speaker announced the appointment of the following:

Page—George Henry, to take the place of W. T. Lindsey, resigned.

HOUSE BILL NO. 27 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 27, A bill to be entitled "An Act to empower municipal corporations or county commissioners courts licensing and regulating public indoor recreation places; providing for issuing of license by the State Comptroller; providing for payment of license tax according to basis of population and for distribution of revenue derived therefrom; limiting license to adult citizens of the United States and requiring certificate of good moral character; providing for revocation of license; compelling operators, managers or proprietors to conform to regulations and fixing penalties for violations; prohibiting minors and vagrants from loitering in such places; prohibiting gambling in any form, profane language or obscene pictures in such places; prohibiting blinds and other obstructions; regulating hours of opening and closing; exempting fraternal, benevolent, educational, religious or charitable organizations; authorizing suit on bond for violations, and declaring an emergency."

The bill was read second time.

Mr. Greer raised a point of order on consideration of the bill on the ground that the subject matter contained in the bill has not been submitted by the Governor.

The Speaker overruled the point of order.

(Mr. Satterwhite in the chair.)

Mr. Patman raised a point of order on consideration of the bill on the ground that the subject matter contained in the bill has not been submitted by the Governor.

The Speaker overruled the point of order.

Mr. Dodd offered the following amendment to the bill:

Amend House bill No. 27 by striking out the enacting clause.

Mr. Moore moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 27, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Moore, the Sergeant-at-Arms was instructed to bring in all absentees within the Capitol.

The roll was called and a quorum was announced present.

Question recurring on the amendment by Mr. Dodd, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—79.

Abney.	Lackey.
Amsler.	Laird.
Atkinson.	Lane.
Avis.	LeMaster.
Baker of Milam.	McBride.
Baker of Orange.	McFarlane.
Barker.	Martin.
Beasley.	Mathes.
Bell.	Maxwell.
Bonham.	Montgomery.
Bryant.	Moore.
Burmeister.	Morgan
Cable.	of Liberty.
Carpenter	Pate.
of Dallas.	Patman.
Carpenter	Patterson.
of Matagorda.	Perdue.
Collins.	Pool.
Covey.	Purl.
DeBerry.	Quaid.
Dinkle.	Quinn.
Dodd.	Rice.
Downs.	Russell
Driggers.	of Callahan.
Duffey.	Russell of Trinity.
Dunlap.	Satterwhite.
Dunn.	Sparkman.
Durham.	Stevens.
Faubion.	Stewart
Fields.	of Edwards.
Gipson.	Stewart
Greer.	of Galveston.
Hardin of Erath.	Storey.
Harris.	Stroder.
Henderson	Teer.
of Marion.	Thompson.
Henderson	Thrasher.
of McLennan.	Turner.
Hendricks.	Wallace.
Howeth.	Wells.
Hughes.	Wilmons.
Irwin.	Wilson.
Jacks.	Winfree.
Jennings.	Young.

Nays—15.

Carson.	Melson.
Cowen.	Price.
Davenport.	Shearer.
Davis.	Simpson.
Edwards.	Smith.
Frnka.	Wessels.
McDaniel.	Williamson.
McKean.	

Present—Not Voting.

Mr. Speaker.	Pope.
Arnold.	Rogers.
Green.	Shires.

Absent.

Baldwin.	Loftin.
Barrett.	Looney.
Bird.	McDonald.
Bobbitt.	McNatt.
Carter of Hays.	Merritt.
Chitwood.	Miller.
Coffee.	Morgan
Crawford.	of Robertson.
Culp.	Pinkston.
Dielmann.	Potter.
Finlay.	Robinson.
Fugler.	Rowland.
Hardin	Sanford.
of Kaufman.	Stell.
Harrington.	Stewart of Jasper.
Houston.	Stewart of Reeves.
Hull.	Stiernberg.
Johnson.	Strickland.
Kemble.	Sweet.
LeSturgeon.	Vaughan.
Lewis.	Westbrook.

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	

Reason for Vote.

I voted "yea" because I saw that the bill was defeated and I wanted to move to reconsider and spread on the Journal, but the acting Speaker, Mr. Satterwhite, refused to recognize me.

BURMEISTER.

Mr. Irwin moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 22, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 3, Relating to the appointment of a joint Conference Committee on the "Welfare of the State."

Respectfully,

RICHARD BLALOCK,

Assistant Secretary of the Senate.

BILLS RE-REFERRED.

On motion of Mr. Baker of Milam, House bill No. 35 was withdrawn from the Committee on Revenue and Taxation

and referred to the Committee on Conservation and Reclamation.

On motion of Mr. Quaid, House bill No. 50 was withdrawn from the Committee on Appropriations and referred to the Committee on Commerce and Manufactures.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 22, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed, with amendments,

H. C. R. No. 3, Requesting the Comptroller to not collect penalties on the gasoline tax.

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

PROVIDING FOR A JOINT CONFERENCE COMMITTEE ON THE "WELFARE OF THE STATE."

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 3, Relating to the appointment of a joint conference committee:

Whereas, There is a discrepancy of approximately \$10,000,000 between the appropriations and revenues of the State for the ensuing two years; and

Whereas, There is such a diversity of opinion both in and out of the Legislature as to the proper course to be pursued that there is grave danger of adjournment without having reached any solution; and

Whereas, The deficit will be so great by the fall and winter of 1923 that entire collection of taxes for year will not extinguish it. The asylums and State institutions will run on credit at a great loss. The State employes and teachers in the schools must go unpaid or cash their warrants at a discount, and a real calamity will menace the good name and credit of Texas; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That a joint Conference Committee on the "Welfare of the State" be at once appointed by the Lieutenant Governor and Speaker of the House, to consider ways and means of overcoming the deficit. That said committee hear the plans and proposals of members having suggestions to make,

confer with the Governor and heads of departments, and after considering the good of the entire public, report its recommendations along with such bills and resolutions as will, when adopted, remove and overcome the discrepancy, and avoid the growing deficit in the State's Treasury. That said committee be composed of five members from each house, and that they meet, organize and report with all possible promptness and dispatch.

(Speaker in the chair.)

The resolution was read second time and was adopted.

In accordance with the above action the Speaker announced the appointment of the following committee on the part of the House:

Messrs. Quaid, Wallace, Satterwhite, Dinkle and Bell.

HOUSE CONCURRENT RESOLUTION NO. 3 WITH SENATE AMENDMENTS.

Mr. Williamson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 3, Relating to certain taxes on oil and gasoline.

The Speaker laid the resolution before the House and the Senate amendments were read.

On motion of Mr. Williamson, the House concurred in the Senate amendments.

EXTENDING SYMPATHY OF THE HOUSE TO MEMBERS WHO ARE ILL AT THEIR HOMES.

Mr. Teer offered the following resolution:

Whereas, Our beloved fellow members, J. O. Merriman, Henry Sackett, Wm. Lusk, O. L. Sweet and John M. Adams, are ill at their respective homes; and

Whereas, They are all greatly missed by the members of this House; and

Whereas, We wish for them a speedy recovery; therefore, be it

Resolved by the House of Representatives, That the Chief Clerk be instructed to wire all of them our sympathy and good wishes.

The resolution was read second time and was adopted.

ADJOURNMENT.

Mr. Lackey moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Quinn moved that the House adjourn until 9 o'clock a. m. tomorrow.

The motion of Mr. Lackey prevailed, and the House, accordingly, at 5:40 o'clock p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

The following standing committees have today filed favorable reports on bills as follows:

Revenue and Taxation—House bills Nos. 29, 41.

Judicial Districts—House bill No. 3.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, May 22, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 18, A bill to be entitled "An Act to amend Article 7382, Chapter 2, Title 126, of the Revised Civil Statutes of the State of Texas, providing for a graduated increase of gross receipts on telephone companies, and providing for reports to be made as now provided by law and records preserved, and declaring an emergency,"

And find the same correctly engrossed
DINKLE, Chairman.

FOURTH DAY.

(Wednesday, May 23, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Carson.
Amsler.	Carter of Hays.
Arnold.	Coffee.
Atkinson.	Collins.
Avis.	Covey.
Baker of Orange.	Cowen.
Barker.	Crawford.
Barrett.	Davenport.
Beasley.	Davis.
Bell.	DeBerry.
Bonham.	Dielmann.
Bryant.	Dinkle.
Burmeister.	Dodd.
Cable.	Downs.
Carpenter	Driggers.
of Dallas.	Duffey.

Dunlap.	Pate.
Dunn.	Patman.
Durham.	Patterson.
Edwards.	Perdue.
Fields.	Pinkston.
Finlay.	Pool.
Frnka.	Pope.
Fugler.	Potter.
Gipson.	Price.
Greer.	Purl.
Hardin of Erath.	Quaid.
Hardin	Quinn.
of Kaufman.	Rice.
Harris.	Robinson.
Henderson	Rogers.
of Marion.	Russell
Henderson	of Callahan.
of McLennan.	Russell of Trinity.
Hendricks.	Sanford.
Houston.	Satterwhite.
Howeth.	Shearer.
Hughes.	Shires.
Irwin.	Simpson.
Jacks.	Smith.
Jennings.	Sparkman.
Johnson.	Stell.
Kemble.	Stevens.
Lackey.	Stewart
Laird.	of Edwards.
Lane.	Stewart
LeMaster.	of Galveston.
LeSturgeon.	Stewart of Jasper.
McBride.	Stiernberg.
McDaniel.	Storey.
McDonald.	Stroder.
McFarlane.	Teer.
McKean.	Thompson.
Martin.	Thrasher.
Mathes.	Vaughan.
Maxwell.	Wallace.
Melson.	Wells.
Merritt.	Westbrook.
Miller.	Wessels.
Montgomery.	Wilmans.
Moore.	Wilson.
Morgan	Winfree.
of Liberty.	Young.

Absent.

Baker of Milam.	Lewis.
Baldwin.	Loftin.
Bird.	Looney.
Bobbitt.	McNatt.
Carpenter	Morgan
of Matagorda.	of Robertson.
Chitwood.	Rowland.
Culp.	Stewart of Reeves.
Faubion.	Strickland.
Green.	Turner.
Harrington.	Williamson.
Hull.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	Sweet.